

The Advisor

Region Legal Service Office Southeast



Highlights:

- Post-Government Employment
- Birthday Ball Committees
- Survivor Benefit Plan Explained

CAPT Gary Sharp, Commanding Officer, RLSO Southeast

Happy end of Summer! I hope everyone got the opportunity to take some leave and spend some time with family and friends! But is almost over, so this is also a good time to prepare for what lies ahead. This edition of the Advisor deals with some well-developed and recurring issues for the Department of the Navy legal community: Navy Birthday Ball Celebrations (October) and political activities (in advance of the November elections), as well as post-Government employment (always topical in an organization such as ours). Professional development is all about preparation and investment. You will get questions about these particular topics - regularly - over the course of your naval careers (even O-6 SJAs get these questions). So please take some time now to be ready to answer questions this fall, and in the future. Trust me - it will be worth the investment.



Take care, and have a great - and safe - end of the summer. Professionalism - Integrity - Teamwork - Attitude.

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Prohibition on Retaliation: Revenge is a Dish Best Served... Not at All

Maggie Dunbar, Legal Intern, Naval Air Station Joint Reserve Base New Orleans

In order to maintain safety and integrity, it is important that members of the Armed Forces do not fear reprisal for reporting criminal activity. Ensuring the protection of individuals who report a crime furthers this purpose. With the passage of the Fiscal Year 2014 National Defense Authorization Act (FY14 NDAA), Congress established the authority for the Secretary of the Navy to increase these protections, leading to the issuance of ALNAV 030/14, which strictly prohibits retaliation against alleged victims and other members of the Armed Forces who report a criminal offense.



As retaliation can have serious and lasting impacts on an individual's personal and professional life, as well as overall command climate, it's important to be able to recognize, report and prevent it. Retaliation can take many forms. In some instances, retaliation presents as a supervisor withholding favorable personnel action or taking or threatening to take adverse personnel actions as a consequence of reporting a criminal offense. In others, retaliation can present as ostracism or harassment from peers. In all cases, retaliation is a punishable offense — the prohibition is a lawful general order, violation of which can result in punishment under Article 92 of the Uniform Code of Military Justice.

Suspected incidents of retaliation should be documented and pursued based on a standard of reasonable belief.

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Gift Acceptance by the Navy of Personal and Real Property

LTJG Jamie L. Jensen, Assistant Staff Judge Advocate's Office, Naval Air Station Pensacola

In general, the Secretary of the Navy has the authority to accept gifts on behalf of the Navy. However, where personal property is concerned, this authority has been delegated based on the value of the gift and the receiving command. Where real property is concerned, the authority has not been delegated. Most commands do not have gift acceptance authority and thus a request must be routed and approved by the appropriate acceptance authority. The questions below will help you determine how to properly accept a gift made to the Navy, which includes gifts offered to any Navy command.

What are gifts, personal property, and real property?

Gift: a gift, devise, or bequest of real or personal property, without consideration (meaning *something of value is being given and nothing of value is being given in return*).

Personal property: clothing, jewelry, household furnishing, money, vehicles, stocks, bonds, intangibles, and all property not defined as real property.

Real property: land and any buildings, improvements, or fixtures on that land.

Who is the acceptance authority?

The Under Secretary of the Navy (UNSECNAV) has ultimate acceptance authority in two situations. The first is gifts of personal property in excess of \$60,000. The second is gifts of real property. Gifts of real property will be discussed later; acceptance authority for personal property worth less than \$60,000 has been delegated as outlined below:

	\$60,000 or less	\$12,000 or less	\$3,000 or less
	<ul style="list-style-type: none"> – Chief of Naval Operations – Vice Chief Naval Operations – Director, Navy Staff 	<ul style="list-style-type: none"> – All flag officers in command who report to CNO and their deputies who are flag officers or senior executive service officials – must have a JAG or general counsel assigned to immediate staff – President, Naval Postgraduate School – Provost, Naval War College – Chief of Chaplains if accepting for benefit of Chaplain Corps 	<ul style="list-style-type: none"> – Naval Sea Systems Command field activity Commanders/COs/OICs – must have JAG or general counsel assigned to immediate staff – Naval Air Systems Command – Naval Facilities Engineering Command – Naval Supply Systems Command – Space and Naval Warfare Systems Command – Commander, Strategic Communications Wing ONE – Director, Navy Safe Harbor Program

Commands without acceptance authority must forward requests to the immediate superior in the chain of command with acceptance authority.

Who is giving the gift?

The Navy is cautioned about accepting gifts from prohibited sources. A prohibited source is a person or entity which is seeking official action by DON; does business or seeks to do business with DON; conducts activities regulated by DON; or has interests that may be substantially affected by DON. If a prohibited source offers a gift to the Navy with a value of more than \$10,000, then the Assistant General Counsel (Ethics), otherwise known as OGC, must be contacted to determine whether acceptance of the gift is appropriate. A list of prohibited sources is available at http://www.dod.mil/dodgc/defense_ethics/resource_library/contractor_list.pdf.

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When should a gift be declined?

A gift should be declined when: use of the gift is a violation of the limitations on the program the gift is being used for; the gift or conditions on the gift are a violation of law; the use of the gift would reflect unfavorably on the ability of the DON to carry out its responsibilities in a fair manner; use of the gift would compromise integrity or the appearance of integrity; or acceptance would not be in best interests of the Navy. For the last criteria, the following have been offered as guidelines: 1) creates the appearance or expectation of favorable consideration; 2) created the appearance of an improper endorsement of the donor; 3) raises question of impropriety in light of the donor's business relationship with DON; 4) involves the expenditure or use for funds in excess of amounts appropriated by Congress; or 5) requires expenditures or administrative efforts and maintenance disproportionate to any benefit.

Acceptance of Real Property

As stated previously, acceptance of real property must be approved by the Under Secretary of Navy. The request must be in writing with a copy to Naval Facilities Engineering Command (NAVFAC) and Commander, Naval Installations Command (CNIC). Below is a chart detailing the information that should be included in a written request for acceptance of personal or real property:

Personal Property	Real Property
<ul style="list-style-type: none"> – Description of gift: quantity, condition, size, value, intended use, etc. – Gift location and availability – Description of unusual or large expenses associated with gift – Conditions or assumptions under which offer is being made – Pertinent facts concerning donor's present and prospective business relationship with DON – Item's significance to DON – Recommendation to accept or deny – Enclosures: acceptance letter (if recommended to accept), any relevant documentation related to gift or donor 	<ul style="list-style-type: none"> – General description and geographic location or property, or legal description – Initial costs and anticipated recurring costs – Assessment of best use and current use of the property – Proposed DON possession date – Utility services available – Current fair market value – Assessment of gift's impact on civilian economy: community, agencies, individuals – Conditions under which offer is being made – Pertinent facts concerning donor's present and prospective business relationship with DON – Item's significance to DON – Recommendation to accept or deny – Enclosures: acceptance letter (if recommended to accept), any relevant documentation related to gift or donor

References:

SECNAVINST 4001.2J – "Acceptance of Gifts"

This instruction defines gifts and acceptance authority and delegates acceptance authority for gifts valued at \$60,000 or less. It provides guidance regarding when it is appropriate to accept or deny a gift and speaks to whom gifts may be given. It also outlines the process of gift acceptance, reporting, and records retention.

OPNAVINST 4001.1F – "Acceptance of Gifts"

This Chief of Naval Operations instruction further delegates acceptance authority according to gift value and receiving command within the CNO structure. It discusses reporting requirements, prohibited sources, and records retention.

What is the Survivor Benefit Plan?

LT Ryan Kilpatrick, Legal Assistance Attorney, Naval Submarine Base Kings Bay

The Survivor Benefit Plan (SBP) pays a portion of your retirement income to your surviving spouse, former spouse or dependent child in the event that they outlive you. Colloquially, this is often referred to as a “widow’s pension.” For many retirees whose retirement income consists of their military retirement and social security, not electing SBP coverage can impoverish your spouse if he or she outlives you, as social security may be their only source of income. If you die on active duty after becoming retirement eligible, your spouse will collect SBP automatically. If you wish to retain this benefit into retirement, however, you must enroll at the time of retirement and pay monthly premiums.

How much will SBP cost?

The cost of SBP depends on the level of coverage you choose. If you elect full coverage, the cost of SBP coverage will be based on 6.5 percent of your full gross pay. For example, if you receive \$1,000 of retired pay each month, and elect full SBP coverage, your monthly cost to cover your spouse under the plan will be \$65 each month. You can also elect a lower level of SBP coverage. For example, if you receive \$1,000 of retired pay each month, you can elect to have your coverage based only on \$700 of your pay. In this case, we would calculate 6.5 percent of \$700, and the monthly cost to cover a spouse under SBP would be \$45.50. There is, however, a minimum level of coverage required and that the amount is unique to each retiree.

What are the advantages of SBP?

- **You will leave a guaranteed income to your beneficiary.** Eligible beneficiaries under the plan will receive 55 percent of the retiree’s elected amount of coverage.
- **SBP benefits are inflation indexed, and coverage and cost are not affected by illness or age.** Unlike many private life insurance policies, SBP coverage will not be cancelled or revoked due to any illness you may have or your age. Whether you retire at age 45 or 80, you or your spouse’s age or health will never be considered a liability and never impact the cost of the program. In addition, the receipt of survivor benefits will not be affected by Social Security benefits. Finally, the SBP annuity is protected against inflation, increasing each December with a Cost of Living Adjustment based on the Consumer Price Index.
- **You can pay for SBP benefits with a pre-tax payroll deduction.** For nearly all retirees, Survivor Benefit Plan premiums are automatically deducted from your gross pay prior to the deduction of federal income tax. This decreases your total taxable income, and thus your overall tax liability.

What are the disadvantages of SBP?

- **A monthly deduction is taken from your retirement income to pay for your SBP coverage.** This can be as much as, but no more than, 6.5 percent of your gross retired pay. You might consider the relationship between the cost of the program and its benefits. To earn an even return on your investment, your beneficiary typically must receive payment for seven months for every five years you pay SBP premiums.
- **Once you enroll, changing your election is difficult.** Although it may seem unnecessary to consider providing for your loved ones until later on in life, please be aware that the decisions you make at retirement regarding your SBP can be difficult to change. For example, if, at retirement, you have an eligible spouse or children and decide not to have them covered under the plan, it will be very difficult to have your current or any future spouse or children covered under the plan in the future.
- **If you fail to elect SBP at the time of retirement, you may not be able to elect it in the future.** One of the only exceptions to this rule is if you were not married at the time of retirement and you get married later and wish to elect SBP for your spouse.

Enrolling in the SBP may be one component of your overall estate plan. When making decisions about your estate you may choose to consult with an accountant, a financial advisor or an attorney for additional assistance.

For more information on SBP: <http://www.dfas.mil/retiredmilitary/provide/sbp.html>

For questions regarding VA pay, benefits and disability ratings, contact the Department of Veteran's Affairs (VA) at 800-827-1000.

Political Activity Do's and Don'ts

LT Lauren Hugel, Staff Judge Advocate, Naval Air Station Fort Worth Joint Reserve Base



As the 2014 election season rolls around, legal officers and command leadership should ensure everyone is aware of Department of Defense (DoD) guidance regarding political activities by members of the Armed Forces. In general, members on active duty should not engage in partisan political activity, and members *not* on active duty must still avoid political activities that imply or may appear to imply official Government sponsorship, approval, or endorsement. As a blanket rule, *all* members of the Armed Forces, including members of the Reserve Component not on active duty, as well as retirees, may NOT wear their military uniforms at political campaign or election events.

Politics and Social Media Active duty members may express their own personal views on public issues and political candidates on social media (e.g., Facebook, Twitter, blogs). However, if the member is identifiable as a military member on that social media platform, the member must clearly and prominently state that the views expressed are the individual's and not those of the Department of Defense.



While members may post their own personal views on their social media pages, they may NOT “share” or retweet posts of, or make direct links to, a political party, partisan political candidate, campaign, group, or cause because this is considered distribution of literature on behalf of those entities or individuals, which is prohibited. Similarly, servicemembers may not post or comment on the Facebook or Twitter pages of those entities or individuals.

The chart below summarizes the major permitted and prohibited activities; for more information, see Department of Defense Directive 1344.10 and never hesitate to consult a staff judge advocate.

Activity	Members of the Armed Forces on ACTIVE DUTY	Members of the Armed Forces NOT on Active Duty
<i>Promote and encourage voting</i>	YES	YES
<i>Attend partisan political club meetings</i>	YES (when not in uniform)	YES (when not in uniform)
<i>Serve in an official capacity of a partisan political club</i>	NO	YES (when not in uniform and no appearance of DoD endorsement)
<i>Speak before a partisan political gathering</i>	NO	YES (when not in uniform and no appearance of DoD endorsement)
<i>Perform any duties for a partisan political committee or candidate</i>	NO	YES (when not in uniform and no appearance of DoD endorsement)
<i>Write a letter to the editor</i>	YES (may need disclaimer)	YES (may need disclaimer)
<i>Publish partisan political writings soliciting votes</i>	NO	YES (when no appearance of DoD endorsement)
<i>Attend partisan fundraisers and events (merely as a spectator)</i>	YES (when not in uniform and no appearance of DoD endorsement)	YES (when not in uniform and no appearance of DoD endorsement)
<i>Participate in partisan fundraisers and events (more than mere spectator)</i>	NO	YES (when not in uniform and no appearance of DoD endorsement)
<i>Contribute money to a political party or candidate</i>	YES	YES
<i>March in a partisan political parade</i>	NO (regardless of whether in uniform)	YES (when not in uniform and no appearance of DoD endorsement)

Too Hot for the DoD?: The Six Month Cooling Off Period

LTJG Joseph Miller, Assistant Staff Judge Advocate, Naval Air Station Jacksonville

Under 5 U.S. Code § 3326, there is a general prohibition on retired military members accepting civilian employment within the Department of Defense for a period of 180 days following their retirement. This timespan has been dubbed the “six month cooling off period.” The purpose of this policy is to avoid the perception that the DoD is providing preferential treatment to retired military members vis-à-vis other potential employees. However, there are several exceptions to this general rule. Indeed, the exceptions effectively reduce the sting of the general rule.



Exception 1: The National Emergency Exception *(in effect on date of publication)*

If the President of the United States declares that the U.S. is in a state of national emergency, then the “cooling off period” does not apply, and retired military members may begin civilian employment for the DoD immediately upon retirement. The United States has been in a state of national emergency since September 14, 2001. *Accordingly, there is no requisite “cooling off period” at the moment.*

Following the terrorist attacks of September 11, 2001, President George W. Bush declared that the United States was in a state of national emergency. He continued the state of emergency every year of his presidency and President Obama has followed suit in this regard. President Obama’s most recent continuation of the state of a national emergency occurred on 4 September 2014. The President cited the continued threat of terrorist attacks as his basis for prolonging the state of national emergency. Now that the United States has significantly reduced its military activities in Afghanistan and Iraq, it is foreseeable that the state of national emergency could be lifted in the near future. Accordingly, military commands should monitor the situation for any changes. If President Obama or a future U.S. president were to discontinue the state of national emergency, retiring military members would need to be adequately informed of the restrictions imposed by the “cooling off period.”

Exception 2: An Increase in the Minimum Rate of Basic Pay for the Position Sought

This exception to the “cooling off period” applies when a retired military member is seeking a DoD position for which the minimum rate of basic pay has been increased due to difficulty in recruiting and/or retention for that particular position. For this exception to apply, the minimum rate of basic pay must have been increased pursuant to 5 U.S.C. § 5305. As prescribed by 5 U.S.C. § 5305(b), the circumstances which may warrant an increase in minimum pay are:

- A) A significant discrepancy in pay between non-federal and federal employees in the applicable region; or
- B) A remote area or location; or
- C) Undesirable work or working conditions; or
- D) Any other circumstances which the Office of Personnel Management considers appropriate.

Today, this exception to the “cooling off period” is irrelevant since the President has declared a state of national emergency. However, this exception would become relevant again in the event that the state of national emergency is lifted.

Exception 3: The Appointment is Approved by the Head of the DoD Component Concerned or One of his/her Delegates

This exception to the “cooling off” period is essentially a waiver of the 180 days and may only be granted when (1) there are no candidates more qualified than the recently retired military member and (2) there are no candidates available through DoD priority programs. Only the heads of DoD components and those who have been properly delegated appointment authority may invoke this exception to hire a military member who has retired within 180 days. The delegation of appointment authority is closely regulated pursuant to Department of Defense Instruction 1402.01.

Conclusion: The Two-part Test

Whether a retired military member can accept DoD employment within 180 days of retirement can be broken down into a two-part test:

Part 1: Has the President declared a state of national emergency?

- If yes → The retired servicemember can accept the DoD position.
- If no → Proceed to Part 2.

Part 2: Has there been an increase in the minimum rate of basic pay for the position sought or has the retired servicemember’s been approved by a proper authority?

- If yes → The retired servicemember can accept the DoD position.
- If no → The retired servicemember CANNOT accept the DoD position.

For guidance regarding specific cases, please contact a staff judge advocate.

Implications of Post-Government Employment with a Foreign Government

LTJG Cynthia J. Parmley, Assistant Staff Judge Advocate, Naval Station Mayport

Can Former Servicemembers Work for a Foreign Government?

Any former servicemember, retired or not, who wishes to work for a foreign government or a related entity may have to register with the U.S. Attorney General as an agent of a foreign principal under the Foreign Agents Registration Act of 1938, 22 U.S.C. 611. (JER, DoD 5500.07-R, Section 601, Foreign Employment Restrictions.) The same restrictions on post-Government employment that apply to any job also apply to jobs with foreign governments, which are outlined in 18 U.S.C. 207.



Retirees and Employment with a Foreign Government

No retired military member, officer or enlisted, Regular or Reserve, can accept post-Government service employment with a foreign government without prior Congressional approval. (Joint Ethics Regulation (JER), DoD 5500.07-R, Section 601, Foreign Employment Restrictions.) This prohibition is taken directly from the Constitution. "No Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or Foreign State," Article I, Section 9, Clause 8, Constitution of the United States.

Retirees who seek post-service employment with a foreign government must seek approval from the service secretary and Secretary of State prior to commencing employment, or they may face financial penalties. Under Section 509 of the Foreign Relations Authorization Act, 37 U.S.C. 801 (1977), Congress has authorized retired servicemembers to accept employment with foreign governments as long as they acquire these approvals. The retiree must submit a written request to his or her service secretary, and upon its approval, a written request to the Secretary of State. (JER, DoD 5500.07-R, Section 601, Foreign Employment Restrictions.) Once both these approvals are secured, the retiree will be able to begin working for the foreign government, collecting both the salary for that job as well as their retirement pay from the U.S. Government. In order to get approval, individuals should contact Chief of Naval Personnel N00L, who are responsible for the staffing and approval process.

Should a retiree commence work with a foreign government absent official authorization, the retiree will forfeit his or her retired pay in the amount equal to the foreign compensation illegally received for the entire period of unauthorized employment. (JER, DoD 5500.07-R, Section 601, Foreign Employment Restrictions.) It is important that the retiree obtain approval from both his or her service secretary and the Secretary of State—approval from only one will still trigger withholding of retirement pay for the period of unauthorized employment, as discussed in Comptroller General opinion 61 COMP. GEN. 306 (1982).

What Constitutes Employment with a Foreign Government?

Direct employment within a foreign government, or by any commercial entities or educational institutions owned, operated, or controlled by a foreign government constitutes employment with a foreign government and requires prior approval. (JER, DoD 5500.07-R, Section 601, Foreign Employment Restrictions.) Some examples include working at a national university or national airline owned, operated, or controlled by a foreign government.

For questions concerning post-Government employment with a foreign government, please contact a staff judge advocate.



The Advisor Puzzler—From This Issue

BIRTHDAY
COMMITTEE
EMPLOYMENT
FACEBOOK
FOREIGN
GIFT
NDAA
POLITICAL
PROPERTY

X V P P A L D F U S R F S Y E
F U L D R Z A U W E T K A V E
Y A O U B O C C T G I D V W T
A A D N B U P A I C H F T W T
S I Z Q A N L E E T C D D N I
L B V P E I G E R U I W Z D M
U N G T A I W I U T L L K O M
F C I T F M B F S R Y A O F O
I F I T N E M Y O L P M E P C
H O C O X B O Z F M P I Y H L
N R H Z Q F R A H H S J B Q T
B E S Q D D Y V I I M K I Q W
I I G F A C E B O O K T C K I
C G N W Y P I V B I X R X W R
U N T G B I E V U T K C K X Y



Ground Rules for Navy Birthday Ball Committees

LT Elizabeth Retter, Staff Judge Advocate, Naval Air Station Meridian

It's that time of year when plans are being made and funds are being raised for Navy Birthday Balls. Numerous ethics regulations are implicated in the planning and execution of military balls; the Navy Ball Committee should consult a JAG early and often during the planning and fundraising periods.

Contrary to popular belief, nearly all annual Navy Birthday Balls are unofficial functions. The planning committees that fundraise and execute Navy Birthday Balls are non-federal entities (NFEs) composed of members acting in their personal capacities. Thus, as a Navy Ball Committee, there are two ways to go:

1) Form a BOOF00 ("by our own/for our own") organization composed of DoD employees and/or dependents:

Pros:

- A. Commands/personnel may officially endorse BOOF00 events (Joint Ethics Regulation (JER) 3-209 - 210);
- B. Restrictions on providing logistical support to the Committee and Ball are generally relaxed (JER 3-210 - 211);
- C. Per CNICINST 1710.3, may use MWR non-appropriated funds (NAFs) to support one annual installation-wide Navy birthday celebration event, subject to these limitations:
 - i. MWR should have representation on the Navy Ball organizing committee;
 - ii. MWR NAF support must be limited to the purchase of entertainment, decorations, and flower arrangements. Decorations and flower arrangements are only reimbursed if the event is held in an MWR facility. MWR NAFs may not be used to subsidize the cost of food and beverages associated with the event, nor the cost of tickets.
 - iii. Reimbursement is based on actual expenses incurred, subject to the following maximum limitations:
 - Less than 250 attendees - \$1700
 - 251 to 500 attendees - \$2350
 - Over 500 attendees - \$3000
- D. The local MWR should receive appropriate recognition for its support;
- E. Under 10 U.S.C. 974, the Navy Band may perform at a Navy Ball provided the event is for the morale, welfare, and recreation of *only* active-duty members and their immediate families or guests.

Cons:

- A. Ball Committee may only be composed of DoD employees or dependents;
- B. Must fundraise solely among DoD employees and dependents;
- C. Not authorized to solicit or accept unsolicited sponsorship for the Navy Ball from outside sources;
 - i. Also not eligible for support through MWR Commercial Sponsorship
- D. May invite only DoD employees and dependents to attend the Ball; cannot invite retirees, community members, etc.

2) Function as a regular NFE (not a BOOF00):

Pros:

- A. May fundraise from outside individuals/businesses (such as the Navy League);
- B. May open attendance at Navy Ball beyond DoD employees/dependents;
- C. May donate excess of the Ball Committee's proceeds to another charity;
- D. May disseminate information about a ball as a matter of common interest, such as in a plan of the week.

Cons:

- A. May receive only limited logistical support from command;
- B. May not imply command endorsement of the event;
- C. Fundraising on base is limited;
- D. May not receive MWR NAF support;
- E. May not generally use Navy band to provide background, dinner, dance, or other social music programs, as such performance would impermissibly place the Navy Band in direct competition with local civilian musicians.

Some common no-no's of both a BOOF00 and a non-BOOF00 Ball Committee:

- 1) May not use DON indicators when advertising fundraising events. For example, the Ball Committee may not advertise a car wash as the "SURFLANT Surface Warrior Ball Car Wash." However, an advertisement that reads "Surface Warrior Ball Car Wash" is acceptable.
- 2) Fundraising may not target subordinates or prohibited sources (such as DoD contractors).
- 3) May not coerce or appear to coerce participation and/or donations.

This article highlights some of the Navy Ball considerations you should be aware of, but be sure to seek the advice of a staff judge advocate for more detailed guidance.

Retaliation (*continued*)

ALNAV 030/14 and Section 1709 of the FY14 NDAA provide guidance for investigating complaints of retaliation. These guidelines will be controlling until SECNAVINST 5370.7C (Military Whistleblower Reprisal Protection) and other applicable Department of the Navy guidance is updated and revised to include more comprehensive definitions and protocols for addressing allegations. Additionally, lawful communications within the chain of command or under other established administrative procedures will retain their current standing protections.

For questions regarding what constitutes retaliation, or how to report suspected retaliation, please contact a judge advocate.

Recent Results of Navy Region Southeast Courts-Martial

GENERAL COURTS-MARTIAL

- At a General Court-Martial in Pensacola, Florida, ABE2, USN was tried for rape, aggravated sexual assault, abusive sexual contact, aggravated sexual contact, wrongful sexual contact, sexual harassment, forcible sodomy, and assault consummated by a battery. On 28 February 2014, a panel of members returned a verdict of guilty to sexual harassment, wrongful sexual contact, and sodomy. The panel sentenced him to be discharged with a Dishonorable Discharge, reduction in rank to paygrade E-1, forfeit all pay and allowances, and confinement for 7 years.
 - At a General Court-Martial in Mayport, Florida, FC3, USN pleaded guilty to receipt and possession of child pornography. On 4 March 2014, the military judge sentenced him to be discharged with a Dishonorable Discharge, reduction in rank to paygrade E-1, a fine of \$2,000.00, and confinement for 20 months.
 - At a General Court-Martial in Pensacola, Florida, AGAN, USN was tried for sexual assault. On 20 March 2014, the panel of members returned a verdict of guilty and sentenced him to be discharged with a Dishonorable Discharge, reduction in rank to paygrade E-1, and confinement for 60 days.
 - At a General Court-Martial in Mayport, Florida, EN1, USN pleaded guilty to possession of child pornography. On 10 April 2014, the military judge sentenced him to be discharged with a Bad Conduct Discharge, reduction in rank to paygrade E-3, and confinement for 7 months.
 - At a General Court-Martial in Mayport, Florida, an E-5 was tried for sexual contact and assault consummated by a battery. On 23 April 2014, a panel of members returned a verdict of not guilty.
 - At a General Court-Martial in Jacksonville, Florida, ETC, USN was tried for sexual assault and assault with a loaded firearm. On 12 May 2014, the military judge returned a verdict of not guilty to assault with a loaded firearm, but guilty to sexual assault. The military judge sentenced him to be discharged with a Dishonorable Discharge, reduction in rank to paygrade E-4, and confinement for 14 months.
 - At a General Court-Martial in Jacksonville, Florida, MM1, USN pleaded guilty to stalking, assaults consummated by a battery, cruelty to animals, domestic abuse, and communicating a threat. On 15 May 2014, the military judge sentenced him to be discharged with a Dishonorable Discharge, reduction in rank to paygrade E-4, and confinement for 28 months.
 - At a General Court-Martial in Mayport, Florida, MT2, USN pleaded guilty to sexual assault. On 15 May 2014, the military judge sentenced him to be discharged with a Bad Conduct Discharge, reduction in rank to paygrade E-1, and confinement for 1 year.
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Recent Results of Navy Region Southeast Courts-Martial *(continued)*

SPECIAL COURTS-MARTIAL

- At a Special Court-Martial in Pensacola, Florida, AR, USN pleaded guilty to unauthorized absence, violation of a general order, wrongful use of marijuana, wrongful appropriation, and larceny. On 11 February 2014, the military judge sentenced him to be discharged with a Bad Conduct Discharge and confinement for 5 months.
- At a Special Court-Martial in Pensacola, Florida, CS1, USN pleaded guilty to dereliction of duty, false official statement, fraud against the government, and uttering a worthless check. He pleaded not guilty to larceny, but was found guilty of larceny by the military judge. On 5 March 2014, the military judge sentenced him to be discharged with a Bad Conduct Discharge, reduction in rank to paygrade E-1, and confinement for 4 months.
- At a Special Court-Martial in Mayport, Florida, HN, USN pleaded guilty to violating an order, wrongful use of a controlled substance, unauthorized absence, and wrongful appropriation of military property. On 11 March 2014, the military judge sentenced him to reduction in rank to paygrade E-2, forfeit \$800.00 pay per month for 5 months, and confinement for 165 days.
- At a Special Court-Martial in Pensacola, Florida, BU1, USN pleaded guilty to assault consummated by a battery, unlawful entry, and maltreatment. On 25 March 2014, the military judge sentenced him to a reprimand, reduction in rank to paygrade E-4, confinement for 45 days, and restriction for 45 days.
- At a Special Court-Martial in Pensacola, Florida, AA, USN pleaded guilty to abusive sexual contact and violation of a general order. On 26 March 2014, the military judge sentenced him to be discharged with a Bad Conduct Discharge, reduction in rank to paygrade E-1, and confinement for 50 days.
- At a Special Court-Martial in Mayport, Florida, ETC, USN, pleaded guilty to assaults consummated by battery. On 26 March 2014, the military judge sentenced him to be discharged with a Bad Conduct Discharge, reduction in rank to paygrade E-1, and confinement for 8 months.
- At a Special Court-Martial in Jacksonville, Florida, ABE2, USN pleaded guilty to fraudulent separation. On 6 May 2014, the military judge sentenced him to be discharged with a Bad Conduct Discharge, reduction in rank to paygrade E-1, a fine of \$10,000, and confinement for 120 days.
- At a Special Court-Martial in Jacksonville, Florida, ABE2, USN pleaded guilty to uttering checks without sufficient funds. On 6 May 2014, the military judge sentenced him to be discharged with a Bad Conduct Discharge, reduction in rank to paygrade E-1, and confinement for 120 days.



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Region Legal Service Office Southeast (RLSO SE) supports the operational readiness of Department of Navy assets in the Southeastern United States by providing responsive, timely and accurate legal guidance, support services and training in the areas of military justice and administrative law. RLSO SE headquarters is located onboard Naval Air Station Jacksonville, Florida, and has detachments throughout the Region and Guantanamo Bay, Cuba. RLSO SE geographic area of responsibility includes the states of Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas as well as Cuba, Puerto Rico, South America and portions of Mexico.

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